

SATURDAY, JANUARY 10, 1836.

LIBEL LAW.

To enable our readers to judge more understandingly of the rights of the press, secured by our constitution, and the constitution of the other States, we have collated the provisions in the various constitutions of the different States, on this subject, and now give them to the public.

The Constitution of MASSACHUSETTS, it will be observed, is most full and ample—words cannot express more fully the entire liberty it intends to secure, and does secure, to the citizens. When the constitution declares that the liberty of the press ought not to be restrained, how is it possible to make the exercise of this right a public crime? The very idea is an anomaly in thought, a solecism of expression.

The Constitution of the UNITED STATES says, "Congress shall make no law abridging the freedom of the press." That is, Congress shall pass no law, cutting short the existing privileges of the press. If the English common law libel law had existed in the United States, at the time of the adoption of this provision, it would still have continued. Not so under the clause of the constitution of this State. The phrase "the liberty of the press ought not to be restrained in this Commonwealth," would have abrogated the common law libel law, if it had previously been in force here; and it is a complete bar to all branches of the government, from making the exercise of this right, in any way, a public crime.

MAINE. The Constitution of MAINE has the following provision:—

"Every citizen may freely speak, write and publish his sentiments on any subject, being responsible for the abuse of this liberty."

Here the full liberty of the press is given, and then taken back again in the last clause. Who is to judge of what constitutes an abuse of the liberty of the press? The jury under the direction of the court. This is all the liberty of the press the citizens of Maine have—to publish what may not offend the court and jury. Their constitution continues:—

"No laws shall be passed regulating or restraining the freedom of the press, and in prosecutions for any publication respecting the official conduct of men in public capacity, or the qualifications of those who are candidates for the suffrages of the people, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels, the jury, after having received the directions of the court, shall have a right to determine, at their discretion, the law and the fact."

These are very contradictory provisions. The liberty of the press is given, but the parties publishing are responsible for the abuse of that liberty. The court and jury to determine what constitutes an abuse, so that there is no more liberty of the press, than what these ever changing bodies may grant. And what is a rightful exercise of the liberty of the press in one county, and at one time, may be an abuse in another county, or in the same county at another time. The jury are to receive the directions of the court as to their verdict, but are not to obey it! This clause of the constitution of Maine, we think must have been drawn by a lawyer.

The Constitution of NEW HAMPSHIRE secures the liberty of the press as follows:—

"The liberty of the press is essential to the security of freedom in a State; it ought, therefore, to be inviolably preserved."

This is equivalent to the provision in the constitution of Massachusetts, and declares all departments of the government from making the publication of any thing a public crime.

VERMONT guards the liberty of the press as fully as the constitutions of Massachusetts and New Hampshire, do as follows:—

"That the people have a right to a freedom of speech and of writing and publishing their sentiments, concerning the transaction of our government, and therefore, the freedom of the press ought not to be restrained."

RHODE ISLAND has no Constitution—she exists under a charter from King Charles the second. This charter secures all persons from being in "anywise molested, punished, disquieted, or called in question for any differences in opinion in matters of religion, who do not actually disturb the civil peace of our said colony." A liberal provision from a royal king, that ought to put our modern upstart inquisitors to the blush. But there appears no clause securing specifically the liberty of the press. This liberty, however, must exist unrestrained, until otherwise ordered by the legislature of the State.

CONNECTICUT gives a qualified and somewhat contradictory provision for the liberty of the press, in these words:—

"Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of this liberty."

No law shall ever be passed to curtail or restrain the liberty of speech or of the press. In all prosecutions or indictments for libels the truth may be given in evidence, and the jury shall have a right to determine the law and the fact under the direction of the courts."

Here in fact the liberty of the press depends upon the will of the courts, who may punish for what they may consider an abuse of the liberty of the press; and if a jury disobey their directions they can grant a new trial. This is not a very safe and secure liberty.

NEW YORK provides for the liberty of the press as follows:—

"Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions, or indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury, that the matter charged as libelous is true, and was published with good motives and justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact."

Here a jury determines what is an abuse of the liberty of the press, and of course what that liberty is, and hence, a jury in one county may acquit, while in another, they might condemn an individual on the same charges, and under the same testimony. The constitution gives in fact only a qualified liberty of the press.

NEW JERSEY. The constitution of this State, adopted July 2, 1776, contains no provision securing the liberty of speech or of the press, and of course these rights depend upon legislative enactment. We are not aware that New Jersey has since amended her constitution.

PENNSYLVANIA has adopted the following provisions on this subject:—

"That the printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or any branch of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write, and print, on any subject, being responsible for the abuse of that liberty. In prosecutions for the publication of papers investigating the official conduct of officers, or men in public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels, the jury shall have the right to determine the law and the fact under the direction of the court, as in other cases."

Here are two distinct kinds of liberty of the press granted. The right to investigate the proceedings of the legislature, and other branches of the government is unqualifiedly

secured, as free as it is in this State, upon every subject. But in all other matters, the liberty of the press in Pennsylvania depends upon the will of the court, before which an alleged abuse of this liberty is tried.

DELAWARE ordains the liberty of the press in these provisions:—

"The press shall be free to every citizen who undertakes to examine the official conduct of men acting in a public capacity; and any citizen may print on any such subject, being responsible for the abuse of that liberty. In prosecutions for publications investigating the proceedings of officers, or when the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels the jury may determine the law and the facts in other cases."

Here is only a partial and qualified liberty of the press, depending on the opinions and whims of juries.

MARYLAND is more explicit. She declares:—

"That the liberty of the press ought to be inviolably preserved."

This is equivalent to the provision in this State "that the liberty of the press ought not to be restrained." It is what it should be every where.

VIRGINIA. The provision in the Constitution of this State is similar to that in the Constitution of the U. S., viz: "The Legislature shall pass no law abridging the freedom of speech or of the press." That is, they shall not cut off existing privileges. At the time this Constitution was adopted, there existed, we believe, an act of the Virginia Legislature imposing the penalty of death on those who circulated publications tending to raise insurrections among the slaves. If this law were a valid law then, the constitutional provision before cited, would not impair its force. If it were not law then, the legislature could not constitutionally pass such an act now.

NORTH CAROLINA, always republican in sentiment, secures the unrestrained liberty of the press in her Constitution in these words:—

"The freedom of the press is one of the great bulwarks of liberty; and therefore ought never to be restrained."

Words cannot more amply define the rights of the press.

SOUTH CAROLINA. This State, which seems to have retained in its Constitution the most illiberal parts of the English system—whose rulers seem to be tyrants in principle and on a small scale—a State where, of late, treason lurked in every hand, has no constitutional safeguard for the liberty of speech or of the press. Its Legislature can gag any of its citizens at will. It can make the publication of any thing "death without the benefit of clergy," as its Governor has recently very modestly proposed that the non-slave holding States should do.

GEORGIA has the following provision, which is ambiguous, from the circumstance that "what the liberty of the press used in that State before the adoption of her Constitution was," is unknown to the public. Most probably it was nothing more than English Judge law liberty—a poor liberty indeed.

"Freedom of the press and trial by jury, as heretofore used in this State, shall remain inviolate."

KENTUCKY has ordained the subjoined provisions for the liberty of the press:—

"The printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or any branch of the government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write, and print, on any subject, being responsible for the abuse of that liberty."

In prosecutions for the publication of papers investigating the official conduct of officers, or men in public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have a right to determine the law and the fact, under the direction of the Court, as in other cases."

This provision is mainly a literal transcript from those of Pennsylvania. It grants two kinds of liberty, one absolute and full, the right to investigate the doings of all branches of the government, and the other embracing every thing else depending on the pleasure of the Courts.

TENNESSEE follows closely Pennsylvania and Kentucky, in regard to the freedom of the press, as will appear from the provisions of her constitution as follows:—

"That printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or of any branch or officer of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write, and print, on any subject, being responsible for the abuse of that liberty. But, in prosecutions for the publication of papers investigating the official conduct of officers, or men in public capacity, the truth thereof may be given in evidence; and in all indictments for libels, the jury shall determine the law and the facts under the direction of the courts."

Here, like the former cases cited, are two kinds of liberty granted. No indictment can be had for any thing said—by any branch of the government, or of any public officer—the remedy is in civil prosecutions by the party aggrieved, and the defendant can offer the truth in justification. In all other cases the liberty depends upon the will of the courts.

OTTO has adopted the provisions of Pennsylvania, as follows:—

"That the printing presses shall be open and free to every citizen who wishes to examine the proceedings of any branch of the government, or the conduct of any public officer; and no law shall ever restrain the right thereof. Every citizen has an indisputable right to speak, write, or print, upon any subject, as he thinks proper, being responsible for the abuse of that liberty. In prosecutions for any publication respecting the official conduct of men in a public capacity, or where the matter published is proper for public information, the truth thereof may always be given in evidence; and in all indictments for libels, the jury shall have a right to determine the law and the fact, under the direction of the court as in other cases."

INDIANA has the same constitutional law, with only verbal differences:—

"That the printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or any branch of government; and no law shall ever be made to restrain the right thereof."

"The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely speak, write, and print, on any subject, being responsible for the abuse of that liberty."

"In prosecutions for the publication of papers investigating the official conduct of officers, or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court as in other cases."

LOUISIANA has the following provisions:—

"Printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or any branch of the government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write, and print, on any subject, being responsible for the abuse of that liberty."

Here the legislature, and not the courts, must determine by law what constitutes an abuse of the liberty of the press.

MISSISSIPPI ordains as follows:—

"Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the use of that liberty."

"No law shall ever be passed to curtail or restrain the liberty of speech or of the press."

"In all prosecutions or indictments for libels, the truth may be given in evidence, and the jury shall have the right

to determine the law and the facts, under the direction of the court."

The Court, therefore, in this State, determines the rights of the press.

ILLINOIS follows Pennsylvania in these errors:—

"The printing presses shall be free to every person who undertakes to examine the proceedings of the general assembly, or any branch of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the most invaluable rights of man; and every citizen may freely speak, write, or print, on any subject, being responsible for the abuse of that liberty."

"In prosecutions for the publication of papers investigating the official conduct of officers, or men in a political capacity, or when the matter published is proper for public information, the truth may be given in evidence; and in all indictments for libels, the jury shall have the right to determine both the law and the facts, under the direction of the court, as in other cases."

ALABAMA ordains as follows:—

"Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty."

"In prosecutions for the publishing of papers investigating the official conduct of officers, or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court."

MISSOURI has the following clause in her constitution:

"The free communication of thoughts and opinions is one of the most invaluable rights of man, and that every person may freely speak, write, and print, on any subject, being responsible for the abuse of that liberty; and in all prosecutions for libels, the truth thereof may be given in evidence, and the jury may determine the law and the facts, under the direction of the court."

Indictments do not seem to be recognized here, and we should think that no man could be criminally prosecuted for a libel in Missouri, until the legislature had defined, by statute, what constitutes an abuse of the liberty of the press.

It will be seen, in examining the foregoing provisions, that there are but five States, viz. MASSACHUSETTS, NEW HAMPSHIRE, VERMONT, MARYLAND, and NORTH CAROLINA, where the absolute freedom of the press is secured unrestrained, by constitutional provisions. VIRGINIA cannot abridge that, is, curtail, its existing privileges. RHODE ISLAND, NEW JERSEY, and SOUTH CAROLINA, have no constitutional guarantees for this liberty, and all the other States have only a qualified liberty, depending in some on the opinions of the legislature, in some on the will of juries, and in others on the opinion of the courts. We have, thanks to our fathers, in this State, the liberty of the press guaranteed, unrestrained; let us not permit it to be wrenched from us by judicial usurpation.

The Constitution of the United States forbids Congress to pass any law abridging the freedom of the press. It therefore cannot be abridged in the District of Columbia, nor in the territories under the jurisdiction of the United States. It might be well for the South, who are calling on us to curtail the liberty of the press, to bear this fact in mind.

A Connecticut Joke.—The whigs, who have had the upper hand in New Haven for two or three years past, have succeeded in maintaining their ascendancy from year to year by appointing a long list of tything-men, of those not inhabitants, for the purpose of qualifying them to become Electors of the State. At a late meeting of the civil authority for the purpose of admitting persons as inhabitants, on a motion being made to admit a gentleman who was born out of the State, the whig selectmen "rose in a body and left the room." But a majority of those who organized the meeting and a quorum remained, and they proceeded with their business, and voted to admit about 100 democrats, whom the whigs have heretofore shut out, to the inhabitation of the town. This will bring parties to nearly an equality in point of numbers, and a warmly contested election may be anticipated there next Spring.

West Point Military Academy.—Mr Hawes, of Kentucky, has submitted a resolution in the House, to appoint a committee of nine "to inquire whether it is expedient to make any, and what amendments in the laws governing the Military Academy at West Point; whether any re-organization thereof is expedient, or whether it is not expedient to abolish it altogether."

The Boston Almanac for 1836, published by S. N. Dickenson, contains a beautiful miniature map of the city—a blank memorandum for every month in the year—a list of streets—a roll of the fire department, and an account of all the fires which have taken place during the last year, besides a large amount of other interesting and useful matter. It is also beautifully printed. A few copies are on sale at the Counting Room of the Post.

The Democratic State Convention which convened lately at Harrisburg, Pennsylvania, adopted the ticket already before the people, and pledged to the support of Van Buren and Johnson.

A New York paper, alluding to a quotation in the Post, that "snow fell gently because it was pushed from heaven while sleeping," says that "it came down there while awake" in the great storm of Monday.

The editor of the Keene Sentinel, who begged that we would exchange with him a few weeks since, says now, "he would not give a farthing in exchange." How unkind the man is—does he think we haven't any feelings?

Gideon Welles, Esq., formerly editor of the Hartford Times, has been appointed Postmaster at Hartford, vice Hon. John M. Niles, appointed Senator in Congress.

The Hon. Samuel Beardsley of Utica, has been chosen Attorney General of the State of New York vice Hon. Greene C. Bronson appointed Judge.

At a Benefit given in aid of the Texians at the Natchez Theatre, on the 16th ult., the net profits were \$396.50.

The brig *Astros*, of Trieste, was wrecked on Squam beach, on the 7th inst. and went to pieces on the following night. The captain's wife and four men perished.

They talk of making the toll bridge across the Kennebec, at Augusta, free.

An appropriate Reply.—When the Neapolitan summoned the French commandant of the castle of St. Angelo, at Rome, to surrender, the gallant soldier pointed to the bronze angel on the turret, which is represented brandishing a sword, and answered to the summons, that he would capitulate when the angel sheathed his weapon, and not before.

Illinois has taken a bold stand in favor of a ship canal around Niagara Falls. A large meeting was held at Chicago for this purpose, and the senators and representatives in congress of that state instructed to support the project.

Fifty-two volunteers under Captain Sidney Sherman, were to leave Cincinnati, Dec. 24th, to join the Texian army.

Woman's Heart.—"Woman's heart is love and song united."

MASSACHUSETTS LEGISLATURE.

Friday, Jan. 15.—Both branches of the Legislature were chiefly occupied to day in receiving petitions, in Convention, Messrs Russell, Rodman, and Jacobs were qualified as Councilors and organization of the State Government thereby fully completed.

The House, upon the question of Mr Blake's order, referring certain law questions concerning Warren Bridge to the Attorney General, negatived the proposition by a decided vote.

The Governor's Message.—At 12 o'clock, His Excellency and suite, having entered the Representatives' Hall, he proceeded to read his Inaugural Message. I was listened to with profound attention during the hour and quarter which it occupied in the reading. It has been printed by Messrs Dutton & Wentworth. It is too long for insertion in our paper to day; but we present our readers with ample extracts upon the most important subjects discussed therein.

The first in order, as well as importance, which we shall select, is a suggestion in favor of legislation upon the subject of the common law: Governor Everett remarks:—

"The people of America should be the last blindly to adhere to what is established, merely as such; and it may sometimes be our duty to imitate our forefathers, in the great trait of their characters—the courage of reform,—rather than to bow implicitly to their authority in matters, in which the human mind has made progress since their day."

"The Commonwealth of Massachusetts always has been and is highly respectable in the character of its tribunals. No where, it is believed, is justice more promptly and purely dispensed. It is deserving of consideration, how the confidence of the People in the judiciary may be confirmed, perpetuated, and if possible increased. With every generation since the settlement of the country, more and more of the perplexed and unprofitable technicalities of the English jurisprudence have been swept away, and the work of reform might possibly in some things be carried farther. The opinion is perhaps gaining prevalence, and on good grounds, that it would be expedient to incorporate into a uniform code, with the Statute legislation of the State, those numerous principles of the Common law, which are definitely settled and well known, and which, without being reduced to the form of a positive and literal text, have been and still are left to be applied by the courts, as principles of common law, when the occurrence of cases requires it. If, in any respect, it is possible to give greater certainty and notoriety to the principles of the law; to rid its practice still more effectually of antiquated forms; to make its phraseology more intelligible to persons of good understanding not of the profession; to lessen the expenses of its administration; to facilitate the entrance into the profession; and to remove from the popular mind any well founded jealousies, which may exist on the general subject of the law, it would be a subject of patriotism to labor for ends so desirable. Free governments entirely reverse the theory, on which arbitrary governments rest, that there is a necessary war between Institutions and Public Opinion, requiring that the former should be upheld by force, and the latter contemned or defied. On the contrary, no free government can long exist, but in the cordial alliance between its Institutions and the Public Opinion; an alliance which tends to render the institutions popular and opinion steady."

We cannot therefore go too far in removing all grounds of reasonable discontent, jealousy, and excitement."

Respecting monopolies in every form, Governor Everett remarks:—

"Exclusive privileges, resting on any other basis, than that of an equivalent notoriously paid or a service rendered to the State which authorized them, are not tolerated, and only tolerated, even under these conditions. All secret associations, particularly all such as resort to the aid of secret oaths, are peculiarly at war with the genius of republican government. On this subject, the sense of the legislature has been recently pronounced, by the law prohibiting the administration of extra-judicial oaths."

At the conclusion of his observations upon the subject of secret societies, he says:—"It is high time this root of bitterness was wholly eradicated."

On page 12, it is recommended to try the experiment of abolishing capital punishment, as follows:—

"A grave question has been started, whether it would be safe to abolish altogether the punishment of Death. An increasing tenderness for human life is one of the most decided characteristics of the civilization of the day, and should, with safety to the community, be carried so far, as to permit the punishment of death to be entirely dispensed with, is a question not yet decided by philanthropists and legislators. It may deserve your consideration, whether this interesting question cannot be brought to the test of the sure teacher, experience. An experiment, instituted and pursued for a sufficient length of time, might settle it on the side of mercy. Such a decision would be matter of cordial congratulation. Should a contrary result ensue, it would probably reconcile the public mind to the continued infliction of capital punishment, as a necessary evil."

Such a consequence is highly to be desired, if the provisions of the law are finally to remain, in substance, what they are at present. The pardoning power has been entrusted to the chief magistrate; but this power was not designed to be one of making or repealing the law. A state of public sentiment, which deprives the executive of the support of public sentiment, in the conscientious discharge of his most painful duty, is much to be deplored. But though I believe the community prepared to give a fair trial to the abolition of capital punishment for all other crimes, it may be doubted whether the experiment could with propriety be extended to the wilful sheddings of blood."

In immediate connexion with the preceding subject Gov. Everett adverts to the subject of imprisonment for debt, on contracts entered into prior to July, 1834:—

"By a law passed 31st March 1834, imprisonment for debts contracted subsequent to July 4th, 1834, is abolished. With respect to debts contracted prior to that date, it subsists as provided by other laws."

The principle on which contracts, dating prior to July 4th, 1834, remain subject to the old law, is presumed to be, that liability to imprisonment existing at the time of the contract was so much a part of it, that it is unjust, if not unconstitutional, to deprive the creditor of this remedy. But it was laid down, in the clearest terms, by the Supreme Court of the United States, in an opinion delivered by its late venerable chief justice, that the remedy, is no part of the contract.

"It is true that by its abolition for debts contracted prior to the 4th of July, 1834, some creditors, (probably a small portion,) will be deprived of the means of enforcing the debt, on which they may have calculated when it accrued. But it can never be the duty of the state to protect the citizen against the disappointment of expectations, not warranted by reason and justice. It would be monstrous to arrest the progress of reform, in acknowledged abuses, because a small portion of citizens had entered into contracts in the expectation that these abuses would never be reformed."

"It is scarcely necessary to add, that if further legislation is required to prevent fraudulent concealment and transfers of property, it should receive our prompt attention."

The necessity of reform—thorough and equitable—in the militia system is suggested with much emphasis in connection with the subjects of Banks and the currency, he proposes gradual steps to increase the amount of circulating coin. To prevent the banks from evading the present laws prohibiting them from trading on borrowed capital, Governor E. proposes that the banks shall be taxed according to their income instead of their capital. In reference to the illegal operations of banks, he says:—

"There are strong grounds for the opinion, that many of the evils now complained of in the practical operation of our banking system, would disappear, on the repeal of the laws limiting the rate of interest. The policy of interfering between citizen and citizen, as to the terms, on which one is willing to borrow and the other to lend would be doubtful, even were the execution of the law unattended with difficulty. But such is not the case, and these laws are notoriously violated. When this is done, the borrower not only pays the illegal interest, but he pays, in some form or other, for the risk and inconvenience of the transaction. Were the restrictions alluded to removed, the entire disposable money capital of the community

would be kept constantly in the money market. It would, at all times, be furnished to the borrower, at its lowest current value. It would be kept at home, instead of being sent abroad. It would seek short investments, and thus be kept pressing into the market."

The great advantages expected to result from the continuation of the Worcester Rail Road to Albany, and the importance of the encouragement of the culture of silk are prominent subjects in the message; as are also the School Fund, Boundary Question, and the claims of Massachusetts for expenses incurred during the war;

"A confident hope is entertained, that Massachusetts and Maine will at length be re-imbursed, as amply as their sister States have been, the sums advanced by them for the public service."

Respecting the defence of Boston Harbor, he informs the Legislature that large appropriations have been recommended by the Secretary of War for this object:—

"Among the documents accompanying the Report from the war department, at the commencement of the present session of Congress, is a statement of several new works, proposed by the board of Engineers, for the defence of the coast, and arranged in different classes, according to their importance. Among those of the first class, to be commenced as soon as possible, I notice, with great satisfaction, five or six works, which, when executed, will complete the defences of Boston harbor;—a part of the seaboard, second to no other in importance, and hitherto almost wholly neglected by the General Government."

On page 28 are contained some suggestions in favor of Mr Clay's Bill for distributing the proceeds of the public lands—which would have the effect of reducing the accumulation of a large surplus revenue in the Treasury. The abolition question is thus referred to:—

"It was deemed a point of the highest public policy by the non-slaveholding States, notwithstanding the existence of slavery in their sister States, to enter with them into the present Union, on the basis of the constitutional compact. That no Union could have been formed, on any other basis, is a fact of historical notoriety; and it is asserted in terms, by General Hamilton, in the reported debates in the New York Convention for adopting the constitution. This compact expressly recognizes the existence of slavery; and concedes to the States where it prevails the most important rights and privileges connected with it. Every thing that tends to disturb the relations created by this compact is at war with its spirit; and whatever, by direct and necessary operation, is calculated to excite an insurrection among the slaves, has been held, by highly respectable legal authority, an offence against the peace of this commonwealth, which may be prosecuted as a misdemeanor at common law."

The last topic enlarged on by Governor Everett, is state of our relations with France, and her refusal to pay the indemnity stipulated in the Treaty:—

"Payment is now refused, on the ground of language contained in the message of the President of the United States to Congress, at the commencement of the last session. It is believed that France will look in vain to the enlightened public sentiment of the world, ever to countenance her in withholding the payment of an acknowledged pecuniary debt, on the ground of an alleged affront to her national honor. In the unpleasant state of the relations between the two governments, although there may be various opinions, as to the policy of some of the steps which have been taken, it is satisfactory to reflect, that there can be but one, as to the justice of our cause. The people of the United States would regard as an evil of great magnitude, the interruption of that friendly intercourse with France, which is cemented by some of the best blood and the most cherished recollections of both countries. These sentiments are believed to be reciprocated by the mass of the people of France, who from feeling as well as interest, are desirous that the good understanding between the two countries should continue. But there can be no permanent basis, for friendly relations between individuals or communities, but justice; and this the United States owe it to themselves to require as well as to render, in all their international relations. It is believed, that the resolution unanimously adopted by the House of Representatives of the United States, at the last session of Congress, that the treaty ought to be maintained and its execution insisted on, expresses the undivided sense of the country."

IMPORTATIONS.

BANGOR, W.—Brig Fame—100 tons Imperial 200 tons lady's slate.

HALIFAX.—Brig Cordelia—5 pkgs specie—30 cords wood—empty puncheons—377 bush barley—197 do oats—1 box edgewood plow—2 bush mackerel—8 do potatoes.

SHIP-NEWS.—BOSTON, 1836.

FRIDAY, January 15—ARRIVED.

Brig Chief, Eldridge, Charleston.
Brig Fame, Ever, Bangor, Wales, Dec 8. Left the Dove, at Provincetown, repairing windmill.
Brig Cordelia, Lane, Halifax 11th inst. Sailed in ex packet brig Emily, Boston, with the December mail. Left brig Gipsy, Person, New York 21; High Johnson, Smith, do few ds; Sch Pride, Selton, for do 10 ds. Brig John, Young, how ds, 22 inst.
Brig Fairly, Duane, Philadelphia.
Brig Swan, Atkins, Philadelphia.
Sch Almar, Bates, Elizabeth City.
Sch Philadelphia, Kendrick, Elizabeth City.
Sch Mary, Patterson, New Bedford.
Sch Splendid, Moreton, Eastport.
Sch Marion, Malloes, New Bedford.
Sch Mary Ann, Hawks, Thomaston.
Sch Splendid, Howes, New York.
Sloop Henry, Brown, Gloucester.
Sloop Thetis, Robbins, Plymouth.
Sloop Juvenia, Winsor, Kingston.
Sloop Pomona, Pease, New Bedford.
Telegraph—Ship Howarth, Liverpool.

Brigs Black Hawk, Baker, Laguna; schs Pembroke, Eldridge, Gonaves; Franklin, Harding, Philadelphia; Glia, Meeker, New York; Wm Tell, Bean, Dover; Minerva, Sylvester, Newburyport; sloop Elizabeth, Gloucester.

From Topsham Agent.

HOLMES HOLE, Jan 14—ar sch Zeuth, Boston, for Fredericksburg. Saw off the E part of

